HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18133 of 2007

Dated:28.08.2007

Between:

Nallabolu Mohan Reddy and another.

…Petitioners.

and

The Special Grade Deputy Collector and another.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18133 of 2007

ORDER:

The first petitioner purchased agricultural land admeasuring Acs.3.10 guntas in survey No.341/E and Acs.2.10 guntas in survey No.355/E, totalling to an extent of Acs.5.20 guntas, situated at Mandalpally Village of Ibrahimpatnam Mandal in Ranga Reddy District, from one Nallabolu Chandra Reddy, under a registered sale deed, dated 04.12.1980, which was executed pursuant to the decree passed by the Court of District Munsif, Ibrahimpatnam, in O.S.No.108 of 1976. The second petitioner is General Power of Attorney (GPA)-cum-Agreement Holder of the first petitioner. Be that as it is, on an application made by the first petitioner, by proceedings, dated .12.2006, the Mandal Revenue Officer (MRO), Ibrahimpatnam, ordered alteration of entries in the Record of Rights as per Section 3(1) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), in favour of the first petitioner. Aggrieved by the same, the second respondent preferred an appeal under Section 5(5) of the Act before the first respondent. It appears, the case was posted to 17.07.2007. In the meanwhile, the second respondent moved an application seeking interim suspension of the orders of MRO and further direction to the petitioners not to alienate the property. Considering the matter, the first respondent issued impugned orders, dated 02.07.2007, suspending the order of the MRO and further directing the petitioners not to alienate the land. The case was already directed to be listed for hearing on 17.07.2007. This is assailed in the

Writ Petition.

Learned Counsel for the petitioner submits that when the matter was coming up for hearing on 17.07.2007, there was no necessity for suspending the order of the MRO and further directing not to alienate the property. The appellate authority has got power to suspend the order impugned before him and pass such other directions, which are not denied. As of now, by virtue of the impugned order, the title, interest and enjoyment of the property in question by the first petitioner or his GPA is not seriously infringed. The first respondent passed a discretionary order, and therefore, it would be in the interest of justice to direct him to dispose of the matter on the next date of hearing.

After getting instructions, learned Assistant Government Pleader for Revenue (General-T) submits that the matter is now posted to 22.09.2007. This Court observes that on that day, the first respondent may pass final orders, after hearing the petitioners and the second respondent without granting any further adjournment.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

28.08.2007

GJ